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BY E-FILING AND HAND DELIVERY

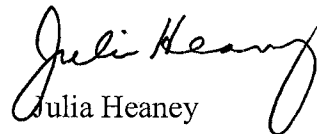
The Honorable Gregory M. Sleet
United States District Court Judge
United States District Court for the District of
Delaware
844 N. King Street
Wilmington, DE 19801

Re: *Inovis, Inc. v. Distance Digital Co., LLC and Classified Information, Inc.*
C.A. No. 07-459 (GMS)

Dear Judge Sleet:

Pursuant to the Scheduling Conference held on October 29, 2007, the parties submit the enclosed Scheduling Order.

Sincerely,


Julia Heaney

JH:nCF
Enclosure

cc: Dr. Peter Dalleo, Clerk (by e-filing)
Steven J. Balick (by e-mail)
John G. Day (by e-mail)
Tiffany Geyer Lydon (by e-mail)
Arthur G. Connolly, III (by e-mail)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

INOVIS, INC.,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 07-459 (GMS)
)	
DISTANCE DIGITAL CO., LLC and)	
CLASSIFIED INFORMATION, INC.,)	
)	
Defendants.)	

SCHEDULING ORDER

This _____ day of _____, 200__, the Court having conducted a Rule 16 Scheduling Conference pursuant to Local Rule 16.2(b) on October 29, 2007, and the parties having determined after discussion that the matter cannot be resolved at this juncture by settlement, voluntary mediation or binding arbitration;

IT IS ORDERED that:

1. **Rule 26(a) Initial Disclosures.** Unless otherwise agreed to by the parties, they shall make their initial disclosures pursuant to Federal Rule of Civil Procedure 26(a) on or before November 16, 2007.
2. **Joinder of other Parties and Amendment of Pleadings.** All motions to join other parties and amend the pleadings shall be filed on or before February 23, 2008.
3. **Reliance Upon Advice of Counsel.** Should the issue of willful infringement be raised, plaintiff shall inform defendants whether it intends to rely upon advice of counsel as a defense to willful infringement no later than March 26, 2008. If plaintiff elects to rely on advice of counsel as a defense to willful infringement, plaintiff shall produce any such opinions on which it intends to rely to defendants no later than March 28, 2008.

4. **Markman Claim Construction Hearing.** A *Markman* claim construction hearing shall be held on June 24, 2008 at 9:30 a.m. The *Markman* hearing is scheduled for a total of six hours with each side having three hours. The parties shall meet and confer regarding narrowing and reducing the number of claim construction issues. On or before April 14, 2008, the parties shall submit a Final Joint Claim Chart which shall include citations to intrinsic evidence. The plaintiff shall submit to the court, a Joint Appendix of Intrinsic and Extrinsic Evidence (the “Joint Appendix”) containing all intrinsic and extrinsic evidence relied upon in the claim construction briefing. A sample table of contents of the Joint Appendix can be located on this court’s website at www.ded.uscourts.gov. The Joint Appendix shall be filed on the same day as the answering claim construction briefs. The parties shall file opening claim construction briefs on April 28, 2008, and answering claim construction briefs on May 21, 2008.

5. **Discovery.** Discovery limited to the subject matter jurisdiction issues raised by defendant Classified Information Inc.’s motion to dismiss shall be initiated so that it will be completed before December 21, 2007. Discovery against defendant Distance Digital Co., LLC shall be further limited to the issue of what interest, if any, it has in the patent-in-suit. Plaintiff shall file its supplemental brief in opposition to the motion to dismiss, limited to five pages, by December 21, 2007. Defendant Classified Information, Inc. shall file its supplemental brief in support of its motion to dismiss, limited to five pages, by December 21, 2007.

All fact discovery in this case shall be initiated so that it will be completed on or before August 8, 2008. Opening expert reports on issues on which a party bears the burden of proof shall be served on or before September 22, 2008. Rebuttal expert reports shall be served on or

before October 20, 2008. Expert Discovery in this case shall be initiated so that it will be completed on or before November 21, 2008.

a. **Discovery and Scheduling Matters:** Should counsel find they are unable to resolve a discovery or scheduling matter, the party seeking the relief shall contact chambers at (302) 573-6470 to schedule a telephone conference. Not less than forty-eight hours prior to the teleconference, the parties shall file with the court, via electronic means (CM/ECF), a **joint, non-argumentative** letter agenda not to exceed two (2) pages outlining the issue(s) in dispute. A sample letter can be located on this court's website at www.ded.uscourts.gov. After the parties have had three (3) discovery teleconferences, they will be required to file a joint letter showing good cause why the court should permit a fourth discovery teleconference. Should the court find further briefing necessary upon conclusion of the telephone conference, unless otherwise directed, the party seeking relief shall file with the court a **TWO PAGE LETTER**, exclusive of exhibits, describing the issues in contention. The responding party shall file within five (5) days from the date of service of the opening letter an answering letter of no more than **TWO PAGES**. The party seeking relief may then file a reply letter of no more than **TWO PAGES** within three (3) days from the date of service of the answering letter.

6. **Confidential Information and Papers filed under Seal.** Should counsel find it will be necessary to apply to the court for a protective order specifying terms and conditions for the disclosure of confidential information, they should confer and attempt to reach an agreement on a proposed form of order and submit it to the court within ten (10) days from the date of this order. When filing papers under seal, counsel should deliver to the Clerk an original and two copies of the papers.

If after making a diligent effort the parties are unable to agree on the contents of the joint proposed protective order, then they shall follow the dispute resolution process outlined in paragraph 5(a).

7. **Settlement Conference.** Pursuant to 28 U.S.C. §636, this matter is referred to the United States Magistrate for the purpose of exploring the possibility of a settlement

8. **Summary Judgment Motions.** Prior to filing any summary judgment motion, the parties must submit letter briefs seeking permission to file the motion. The opening letter brief shall be no longer than five (5) pages and shall be filed with the Court no later than September 8, 2008. Answering letter briefs shall be no longer than five (5) pages and filed with the court no later than September 15, 2008. Reply letter briefs shall be no longer than three (3) pages and filed with the Court on or before September 22, 2008. The Court shall hold a Status Conference to hear argument and to determine whether the filing of any motion for summary judgment will be permitted on Wednesday, October 1, 2008 at 9:30 a.m. **Unless the Court directs otherwise, no letter requests to file a motion for summary judgment may be filed at a time before the dates set forth in paragraph 8.**

9. **Case Dispositive Motions.** All case dispositive motions and an opening brief and affidavits, if any, in support of the motion shall be served and filed on or before October 24, 2008. Briefing will be presented pursuant to the court's Local Rules, unless the parties agree to an alternative briefing schedule. Any such agreement shall be in writing and filed with the Court for the Court's approval. Any request for extensions of time as set forth in this Scheduling Order **must** be accompanied by an explanation or your request will be denied.

10. **Applications by Motion.** Except as provided in this Scheduling Order or for matters relating to scheduling, any application to the Court shall be by written motion filed, via

electronic means (CM/ECF). Unless otherwise requested by the Court, counsel shall **not** deliver copies of papers or correspondence to Chambers. Any non-dispositive motion should contain the statement required by Local Rule 7.1.1.

11. Oral Argument. If the Court believes that oral argument is necessary, the Court will schedule a hearing Pursuant to District of Delaware Local Rule 7.1.4.

12. Daubert Issues. The Court will address Daubert issues at the Pretrial Conference.

13. Pretrial Conference. On February 24, 2009, beginning at 9:30 a.m., the Court will hold a Pretrial Conference in Chambers with counsel. Unless otherwise ordered by the Court, the parties should assume that filing the Joint Pretrial Order satisfies the pretrial disclosure requirement in Federal Rule of Civil Procedure 26(a)(3). A sample form of Pretrial Order can be located on this court's website at www.ded.uscourts.gov. Thirty (30) days before the Joint Proposed Pretrial Order is due, plaintiff's counsel shall forward to defendants' counsel a draft of the pretrial order containing the information plaintiff proposes to include in the draft. Defendants' counsel shall, in turn, provide to plaintiff's counsel any comments on the plaintiff's draft as well as the information defendants propose to include in the proposed pretrial order.

Motions in limine: No party shall file more than five (5) motions *in limine*. Briefs (**opening, answering and reply**) on all motions *in limine* shall be filed by January 26, 2009. Opening and answering briefs shall not exceed five (5) pages and reply briefs shall not exceed three (3) pages. The parties shall file with the court the **joint** proposed final pretrial order with the information required by the form of Final Pretrial Order which can be located on this court's website at www.ded.uscourts.gov on or before January 26, 2009.

14. Trial. This matter is scheduled for a seven day (jury or bench) jury trial beginning at 9:30 a.m. on March 23, 2009.

15. Scheduling: The parties shall contact chambers, at (302) 573-6470, only in situations where scheduling relief is sought, and only then when ALL participating counsel is on the line for purposes of selecting a new date.

UNITED STATES DISTRICT JUDGE

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